

REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated September 15, 2008 (the "*Office Action*"). In the *Office Action*, Claims 7-26 are pending and rejected. Claims 1-6 have been previously canceled. Applicants amend Claims 7, 14, and 21. For the following reasons, Applicants respectfully request favorable action in this case.

Section 101 Rejections

The Examiner rejects Claims 7-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants request reconsideration for the following reasons.

With regard to Claims 14-20, the Examiner states that the claims "recite the use of "logic" which as a computer program, is considered non-statutory subject matter." (*Office Action*, page 2). However, the United States Court of Appeals for the Federal Circuit has recently stated that 35 U.S.C. § 101 "explains that an invention includes 'any new and useful process, machine, manufacture or composition of matter.' Without question, software code alone qualifies as an invention eligible for patenting under these categories, at least as processes." *Eolas Technologies, Inc. v. Microsoft Corp.*, 399 F.3d 1325, 1338-39 (Fed. Cir. 2005) (citations omitted) (emphasis added). Likewise, the M.P.E.P. states that "[a] claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the medium which permit the data structure's functionality to be realized, as thus is statutory." (M.P.E.P. § 2106.01(I)). Thus, Applicants respectfully submit that both the Federal Circuit and the M.P.E.P. make clear that software code or logic is statutory. Further, independent Claim 14 has been amended to make clear that the logic is "operable when executed by a computer to" perform the limitations recited in the body of the claim. Thus, the claimed logic defines structural and functional interrelationships between the data structure and the computer that permits the functionality to be realized.

With regard to Claims 7-13, the Examiner states that the claims "recite steps all of which are mental processes standing alone and united to another category of statutory subject matter." (*Office Action*, page 2). Although Applicants believe that all previously pending claims recite statutory subject matter under § 101, to advance this case expeditiously to

issuance, Applicants have amended independent Claim 7 to specify that one or more processing systems are used to receive a modification to the first Business Service object; and automatically modify the Business Service Projection object in response to receiving the modification to the first Business Service object. Thus, Claim 7 does not merely recite a mental process that depends on the application of human intelligence.

For at least these reasons, Applicants respectfully request that the rejection of the Claims 7-20 under § 101 be withdrawn and the claims allowed.

Section 112 Rejections

The Examiner rejects Claims 7-26 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that “Claims 7, 14, and 21 recite the term “associated with” and it is unclear what would constitute an association.” (*Office Action*, page 7). Although Applicants believe that all previously pending claims are definite under § 112, second paragraph, Applicants have amended independent Claims 7, 14, and 21 to replace the phrase “associated with” with the term “identifying.”

Applicants respectfully request that the rejections of Claims 7-26 under 35 U.S.C. § 112, second paragraph be withdrawn.

Section 103 Rejections

The Examiner rejects Claims 7-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,554,183 issued to Sticha et al. (“*Sticha*”). Applicants respectfully submit that Claims 7-26 are patentably distinguishable from *Sticha*.

Independent Claim 7, as recites a method for use in a Web Services system that includes providing a data repository storing a hierarchy of objects. According to the method, at least one first Business Service object is stored under a first Business Entity object associated with a first business entity and a Business Service Projection object is stored under a second Business Entity object associated with a second business entity. Thus, Claim 7 recites a specific arrangement of data stored in a data repository. The first Business Service

object identifies a business service that is provided by the first business entity, and the Business Service Projection object identifies that the second business entity offers an interface to the business service provided by the first business entity. Also according to the method, a processing system is used to automatically modify the Business Service Projection object is in response to receiving the modification to the first Business Service object.

In the previous Response submitted on May 23, 2008, Applicants argued that *Sticha* does not disclose, teach, or suggest the arrangement of data recited in Applicants Claim 7. (*Response submitted on 5/23/08*, pages 8-10). Additionally, Applicants argued that *Sticha* does not disclose each operational step recited in independent Claim 7. (*Response submitted on 5/23/08*, pages 8-10). In response to Applicants' arguments the Examiner states that "*Sticha* does show a database used by an issuing bank (abstract), and databases are known to be able to store a hierarchy of data objects." (*Office Action*, page 11). The Examiner takes Official Notice "that it is old and well known in the art to store information regarding services provided by an acquiring bank in a database." (*Office Action*, page 8). Initially, Applicants respectfully traverse the rejection of the claims on this basis. To the extent that the Examiner maintains this rejection based on "Official Notice," "well-known art," common knowledge, or other information within the Examiner's personal knowledge, Applicants respectfully request that the Examiner cite a reference in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. § 1.107.

Further, Applicants' contend that the arrangement of data and operational steps recited in Applicants' Claim 7 is not obvious over *Sticha*. Rather, *Sticha* discloses:

Prior to performing any repair, the merchant calls (e.g., via the telephone) the IVR system to obtain authorization. Customer information is supplied via the IVR system, and the merchant and transaction are validated . . . [V]alidation data is supplied to the issuing bank pre-authorization system, and the acquiring bank system processes the transaction and supplies transaction data to the credit card system . . .

The issuing bank system validates, from the issuing bank pre-authorization system, that the repair/maintenance merchant class code (MCC) transaction is an approved provider . . . If all the issuing bank checks are passed, then the transaction is approved. After completion of

an authorized repair, the acquiring bank credits the merchant for the repair and credits the fleet service provider (e.g. a negotiated volume rebate).

(Column 2, line 66 through Column 3, line 29). Thus, *Sticha* merely relates to a credit authorization system that requires an acquiring bank to provide information to the credit card company after an issuing bank approves the transaction.

Applicant notes that *Sticha* discloses that the issuing bank pre-authorization system “is a database for storing information relating to pre-authorized repair and maintenance services.” (*Sticha*, Abstract; Column 4, lines 23-26). “The data stored in system 106 sometimes is referred to herein as a pre-authorization table.” (*Sticha*, Column 4, lines 30-32). As disclosed in *Sticha*, “the merchant calls 212 (e.g., via the telephone) IVR system 102 to obtain authorization.” (*Sticha*, Column 6, lines 44-46). “[C]ustomer information is supplied and the merchant and transaction are validated 214.” (*Sticha*, Column 6, lines 46-47). “Such validation data is supplied to issuing bank pre-authorization system 106, and acquiring bank system 104 processes 216 the transaction and supplies transaction data to credit card system 112.” (*Sticha*, Column 6, lines 48-51). Specifically, “[c]redit card system 112 obtains, from issuing bank pre-authorization system 106, a repair/maintenance merchant class code (MCC) assigned to the particular transaction.” (*Sticha*, Column 6, lines 55-57). Additionally, “if a pre-authorization for the transaction is found in the pre-authorization table, and if a “promo” code is assigned to the transaction, then a link is established with the issuing bank system to check for possible fraud or a stolen card 222.” (*Sticha*, Column 6, line 64 through Column 7, line 1). Thus, *Sticha* merely discloses a pre-authorization system 106 that includes database for storing pre-authorization data for various transactions. There is no disclosure in *Sticha* that the database stores “a hierarchy of objects,” as recited in Applicants’ independent Claim 7. Certainly, there is no disclosure in *Sticha* of “storing at least one first Business Service object under a first Business Entity object identifying a first business entity” where “the first Business Service object identif[ies] a business service that is provided by the first business entity,” as recited in Claim 7. Likewise, there is no disclosure in *Sticha* of “storing a Business Service Projection object under a second Business Entity object identifying a second business entity” where “the Business Service Projection object identif[ies] that the second business entity offers an interface to the business service provided by the first business entity,” as recited in Claim 7. Since the database of *Sticha* stores only pre-

authorization numbers for transactions, it would not have been obvious to one of ordinary skill in the art at the time of Applicants' invention to modify *Sticha* to include the elements recited in Applicants' claim.

As further example of the deficiencies of the cited reference, Applicants also contend that *Sticha* does not disclose, teach, or suggest "using one or more processing systems to receive a modification to the first Business Service object" and "using the one or more processing systems to automatically modify the Business Service Projection object in response to receiving the modification to the first Business Service object," as recited in Claim 7. In the *Office Action*, the Examiner relies on Column 7, lines 17-21 of *Sticha* and states that "in order for automated authorization to be made possible, a modification or changes to the objects would have been made in response to receiving such a modification. For example, credit balance would have been changed." (*Office Action*, page 9). However, the cited portion of *Sticha* merely discloses that the disclosed system and process "provide an automated authorization and settlement process for the repair and maintenance of fleet vehicles which are simple to use and are believed to reduce the costs associated with fleet management." (*Sticha*, Column 7, lines 17-21). Thus, the cited portion of *Sticha* does not disclose modification to objects or that such modifications would have to be made for automated authorization to be made possible, as suggested by the Examiner. Certainly, the cited portion of *Sticha* does not disclose receiving a modification to data stored in the pre-authorization table and modifying an object in response to that modification. Accordingly, *Sticha* does not disclose, teach, or suggest "using one or more processing systems to receive a modification to the first Business Service object" and "using the one or more processing systems to automatically modify the Business Service Projection object in response to receiving the modification to the first Business Service object," as recited in Claim 7.

For at least these reasons, Applicants respectfully request consideration and allowance of independent Claim 7, together with Claims 8-13 that depend on Claim 7. For analogous reasons, Applicants also request consideration and allowance of independent Claims 14 and 21, together with Claims 15-20 and 22-26 that depend on Claims 14 and 21, respectively.

ATTORNEY DOCKET NO.
063170.6610

PATENT APPLICATION
SERIAL NO. 10/648,143

12


CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed due; however, the Commissioner is hereby authorized to charge any fees or credits to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
Attorneys for Applicants


Jenni R. Moen
Reg. No. 52,038
(214) 953-6809

Date: November 14, 2008

CORRESPONDENCE ADDRESS:

at Customer Number: **05073**